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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,182	12/05/2001	Tal Cohen	COHEN2 (11588.111436)	6925
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TROUTMAN SANDERS LLP 600 PEACHTREE STREET, NE ATLANTA, GA 30308			PESIN, BORIS M	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/005,182

Applicant(s)

COHEN ET AL.

Examiner

Boris Pesin

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-7, 21-23, 30, 31, 64 and 75-93 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 3-7, 21-23, 30-31, 64, and 75-93 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

This communication is responsive to the amendment filed 04/07/2006.

Claims 3-7, 21-23, 30-31, 64, and 75-93 are pending in this application. Claims 3 and 64 are independent claims. In the amendment filed 04/07/2006, Claims 3, 6, 7, 21, 22, 23, 30, 31, and 64 were amended and claims 75-93 were added as new. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 64 and 75-93 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 64 recites the limitation "task sequence" in Line 12. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 64 and 75-93 are rejected under 35 U.S.C. 102(e) as being anticipated by Leshem et al. (US 2002/0147805).

In regards to claim 64, Leshem teaches a computer-implemented method for displaying patterns of utilizations of a resource, wherein said resource includes a plurality of objects of interest, and wherein the plurality of objects of interest are linked by a navigation structure (See Figure 1), the method comprising the step of:

accessing structural data regarding the navigation structure of the objects of interest in a resource (See Figure 1);

accessing session data representative of one or more sessions of user interaction with the resource where a session identifies a sequence of user accesses to said one or more of said plurality of objects of interest, wherein at least one of the user accesses is to an object of interest that is not in the task sequence(See Paragraphs [0210] and [0213]);

filtering the data representative of one or more sequences of user accesses to include only a set of sessions based on the filter criteria (See Paragraphs [0009], [0215] and [0102]);

graphically displaying a hierarchical representation of objects of interest and their navigation structure, overlaid with a representation of the filtered usage data (See Paragraphs [0009], [0215] and [0102]).

In regards to claim 75, Leshem further teaches a method wherein the filter criteria identifies sessions for users that spent at least a particular amount of time on any one object of interest (See Paragraphs [0009], [0215] and [0102]).

In regards to claim 76, Leshem further teaches a method wherein the filter criteria identifies sessions for users that spend at most a particular amount of time on each of the objects of interest in a session (See Paragraphs [0009], [0215] and [0102]).

In regards to claim 77, Leshem further teaches a method wherein the filter criteria identifies sessions for users that started the session at a particular entry object of interest (See Abstract, Paragraphs [0009], [0211] and [0102]).

In regards to claim 78, Leshem further teaches a method wherein the filter criteria identifies sessions for users that ended the session at a particular entry object of interest (See Paragraphs [0009], [0211] and [0199]).

In regards to claim 79, Leshem further teaches a method wherein the filter criteria identifies sessions for users that came to the resource from a particular referring resource (See Paragraphs [0009], [0211] and [0200]).

In regards to claim 80, Leshem further teaches a method wherein the filter criteria identifies sessions that had a minimum number of user accesses (See Paragraphs [0009], [0211] and [0200]).

In regards to claim 81, Leshem further teaches a method wherein the filter criteria identifies sessions that had a maximum number of user accesses (See Paragraphs [0009], [0211] and [0200]).

In regards to claim 82, Leshem further teaches a method wherein the filter criteria identifies sessions that included user accesses to a set of one or more particular objects of interest (See Paragraphs [0009], [0211] and [0200]).

In regards to claim 83, Leshem further teaches a method wherein the filter criteria identifies sessions that included no user accesses to a set of one or more particular objects of interest (See Paragraphs [0009], [0211] and [0200]).

In regards to claim 84, Leshem further teaches a method wherein the filter criteria identifies sessions for users that had only one session using the resource in a given period of time (See Paragraphs [0009], [0211] and [0200]).

In regards to claim 85, Leshem further teaches a method wherein the filter criteria identifies sessions for users that had more than one session using the resource in a given period of time (See Paragraphs [0009], [0211] and [0200]).

In regards to claim 86, Leshem further teaches a method wherein the filter criteria identifies sessions for users that originate from a particular geographic region (See Paragraphs [0009], [0211] and [0200]).

In regards to claim 87, Leshem further teaches a method wherein the filter criteria identifies sessions for users that interacted with the web site using and particular web browser type (See Paragraphs [0009], [0211] and [0200]).

In regards to claim 88, Leshem further teaches a method wherein the filter criteria identifies sessions that included a specific sequence of user accesses (See Paragraphs [0009], [0211] and [0200]).

In regards to claim 89, Leshem further teaches a method wherein the step of graphical displaying a hierarchical representation of objects of interest and their navigation structure, overlaid with a representation of the filtered session usage data sizes the objects of interest based on a parameter of the usage of each object (See Paragraphs [0009], [0211] and [0200]).

In regards to claim 90, Leshem further teaches a method wherein the parameter of usage is representative of the number of users that accessed the objects of interest (See Paragraphs [0009], [0211] and [0200]).

In regards to claim 91, Leshem teaches a method wherein the parameter of usage is representative of the percentage of users that accessed the objects of interest (See Paragraphs [0213]).

In regards to claim 92, Leshem teaches a method wherein the step of graphical displaying a hierarchical representation of objects of interest and their navigation structure, overlaid with a representation of the filtered session usage data colors and sizes the links between the objects of interest based on the amount of usage of each link between two objects (See Paragraphs [0213]).

In regards to claim 93, Leshem teaches a method wherein the step of graphical displaying a hierarchical representation of objects of interest and their navigation structure, overlaid with a representation of the filtered session usage data shows the links between objects of interest based on the amount of usage of each link in a path between two objects (See Paragraphs [0213]).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 64 and 75-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leshem et al. (US 2002/0147805) in view of Weinberg et al. (US 6549944).

In regards to claim 3, Leshem teaches a computer-implemented method for displaying patterns of utilization of a resource, wherein said resource includes a plurality of objects of interest, and wherein the plurality of objects of interest are linked by a navigation structure (See Figure 1), the method comprising the step of:

Accessing structural data regarding the navigation structure of the objects of interest in a resource (See Figure 1, shows the navigation structure);



Accessing session data representative of one or more sessions of user interaction with the resource where a session identifies a sequence of user accesses to one or more of said plurality of objects of interest, wherein at least one of the user accesses is to an object of interest that is not in the task sequence (See Paragraphs [0210] and [0213]);

Graphically displaying a hierarchical representation of objects of interest and their navigation structure, overlaid with a representation of the paths taken in the user accesses to perform the task (See Paragraphs [0215] and [0102]).

Leshem does not specifically teach defining a task as a predetermined sequence of accesses to one or more objects of interest of a plurality of objects of interest. Weinberg teaches, "In a preferred embodiment, the scenario generation process involves using the IP addresses and timestamps within the log file to "trace" the navigation paths taken by individual users. This produces a routes list which includes information about the number of "hits" that occurred on each link. The routes list is then translated into a scenario that comprises a set of test scripts (stored as script files) and a scenario file. The scenario can thereafter be loaded and executed, using either the LoadRunner product or the Astra SiteTest product, to load-test the Web site." (Column 3, Line 28). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Leshem with the teachings of Weinberg and include a process to generate a predetermined scenario with the motivation to provide a user a convenient method of load testing a web page.

In regards to claim 4, Leshem and Weinberg teach all the limitations of claim 3. They further teach a method wherein an object of interest is a web-page (See Abstract).

In regards to claim 5, Leshem and Weinberg teach all the limitations of claim 3. They further teach a method wherein said resource is a web-site (See Abstract).

In regards to claim 6, Leshem and Weinberg teach all the limitations of claim 3. They further teach a method wherein the step of defining a task as a predetermined sequence to accesses to one or more objects of interest, comprises:

defining a task step as an access to one or more objects of interest; and defining a task as a predetermined sequence of task steps ("In a preferred embodiment, the scenario generation process involves using the IP addresses and timestamps within the log file to "trace" the navigation paths taken by individual users. This produces a routes list which includes information about the number of "hits" that occurred on each link. The routes list is then translated into a scenario that comprises a set of test scripts (stored as script files) and a scenario file. The scenario can thereafter be loaded and executed, using either the LoadRunner product or the Astra SiteTest product, to load-test the Web site." Weinberg, Column 3, Line 28).

In regards to claim 7, Leshem and Weinberg teach all the limitations of claim 6. They further teach a method wherein the overlaid representation of the paths taken show the number of users that completed each step of the task (Leshem, See Paragraphs [0215] and [0102]).

In regards to claim 21, Leshem and Weinberg teach all the limitations of claim 6. They further teach a method comprising the step of: providing a graphical user interface for implementing the step of defining a task as a predetermined sequence of accesses to one or more objects ("In a preferred embodiment, the scenario generation process involves using the IP addresses and timestamps within the log file to "trace" the navigation paths taken by individual users. This produces a routes list which includes information about the number of "hits" that occurred on each link. The routes list is then translated into a scenario that comprises a set of test scripts (stored as script files) and a scenario file. The scenario can thereafter be loaded and executed, using either the LoadRunner product or the Astra SiteTest product, to load-test the Web site." Weinberg, Column 3, Line 28).

In regards to claim 22, Leshem and Weinberg teach all the limitations of claim 21. They further teach a method wherein said graphical user interface enables a user to drag and drop objects of interest into a graphical representation of the task sequence (Weinberg, Column 33 Line 40 - Column 34 Line 23).

In regards to claim 23, Leshem and Weinberg teach all the limitations of claim 21. They further teach a method wherein said graphical user interface enables objects of interest in a task sequence to be defined using a table-based list selection interface (Weinberg, Column 35 Lines 20-62).

In regards to claim 30, Leshem and Weinberg teach all the limitations of claim 6. They further teach a method wherein the overlaid representation of the paths taken in

the user accesses is a user path for one or more users (See Paragraphs [0215] and [0102]).

In regards to claim 31, Leshem and Weinberg teach all the limitations of claim 31. They further teach a method wherein the overlaid representation of the paths taken in the user accesses is an average path for a plurality of users through the task steps in the task sequence (See Paragraphs [0215] and [0102]).

### ***Response to Arguments***

Applicant's arguments with respect to claims 3-7, 21-23, 30-31, 64, and 75-93 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BP

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